

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HIRAMU EL KENYATTA BEY,

Plaintiff,

v.

MICHELLE CAMPA, et al.,

Defendants.

Case No. [22-cv-09154-AGT](#)

REPORT AND RECOMMENDATION

The undersigned screened Hiram El Kenyatta Bey's complaint under 28 U.S.C. § 1915(e)(2)(B), concluded it was deficient, and granted leave to amend. Dkt. 8.

After Bey didn't timely amend, the undersigned gave him thirty more days to do so, explaining that if Bey didn't amend his complaint or respond to the Court's screening order by October 11, 2024, the undersigned would recommend that a district judge dismiss Bey's claims for failure to prosecute. Dkt. 9.

October 11, 2024, has passed. Bey hasn't amended his complaint or responded to the Court's screening order. The undersigned thus requests that the Clerk of the Court reassign this case to a district judge and recommends that the district judge dismiss Bey's claims with prejudice for the reasons stated in the screening order and for failure to prosecute. Bey's

failure “to respond to the court’s ultimatum—either by amending the complaint or by indicating to the court that [he] will not do so—is properly met with the sanction of a Rule 41(b) dismissal.” *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004).

Bey may object to this report and recommendation, but he must do so within fourteen days of receiving a copy of it. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b).

IT IS SO ORDERED.

Dated: October 25, 2024

A handwritten signature in black ink, appearing to read 'Alex G. Tse', is written over a horizontal line.

Alex G. Tse
United States Magistrate Judge